United Nations CRC/C/OPSC/IND/Q/1/Add.1

Convention on the Rights of the Child

Distr.: General
1 May 2014

English only

**Committee on the Rights of the Child**
**Sixty-sixth session**
26 May–13 June 2014
Item 4 of the provisional agenda
**Consideration of reports of States parties**

# List of issues in relation to the report submitted by India under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

**Addendum**

## Replies of India to the list of issues*

[Date received: 10 March 2014]

1. **Please provide updated information on all measures taken to establish a comprehensive and systematic mechanism of data collection and evaluation that covers all offences under the Optional Protocol, including the measures taken to create such a system under the Integrated Child Protection Scheme that was set out in the Eleventh Five Year Plan.**

1. The data related to offences under the Optional Protocol is primarily collected by National Crime Records Bureau (NCRB) under its publication "Crime in India".

2. Under the Integrated Child Protection Scheme (ICPS) a Child tracking System is being developed as an effective system for child protection data management, reporting and monitoring of implementation of child protection schemes and also includes a nationwide website for tracking missing children and their ultimate repatriation and rehabilitation. National Informatics Centre (NIC) is developing a National Portal called "Track Child" which not only has data on 'missing' children but it also has live database to monitor the progress of the 'found' children covered under the ICPS and the JJ Act. Broadly 'Track Child' software has two modules:

* The present document is being issued without formal editing.

- Information of the children, who are already covered under the JJ Act and the Integrated Child Protection Scheme (ICPS), which is to be entered in the software by the ICPS functionaries including Child Welfare Committees (CWCs) & (Juvenile Justice Boards (JJBs) members, and

- Information of the missing children being reported, which is entered and updated at the police stations.

3. The ultimate goal of Track Child is to facilitate the matching of 'missing' children being reported at Police stations with those 'found' children who are residing in the Child Care Institutions (CCIs). The Software also facilitates for mapping of vulnerable locations, i.e. those which have a large number of children reported missing, so that corrective action can be taken in these areas. Monitoring by senior officers of the action being taken by the Police to trace the missing children has also been streamlined through the software. In addition to the facility for matching of 'missing' and 'found' children, this portal also has a component for maintaining the details and progress of children who are availing benefit under the Integrated Child Protection Scheme. Thus, proper monitoring and welfare of the children under the Scheme is also ensured through the portal.

4. Under Track Child, so far, nodal officers have been appointed in 19 States/UTs. National Informatics Centre (NIC) has completed training on the use of Track Child software for Police officials and ICPS functionaries in 35 States/UTs. Two national conferences have been held, to sensitize the high level Officers of States' department of Women and Child Development, Police personnel and other stakeholders working on the issue of child protection in the country. As on date, out of total 17037 Police stations, 5511 have uploaded the data of missing and recovered children and out of 3565 Child Care Institutions (includes Children's Homes, Observation Homes, Special Homes, Open Shelters, Shelter Homes and Specialized Adoption Agencies), 2042 have uploaded the data of 125111 children in their care. Approximately 17192 children have been matched through the system since 2008, when the pilot project had commenced in West Bengal.

**2. Please provide statistical data, disaggregated by sex, age, nationality, ethnic origin, state or autonomous region and urban or rural residence, from 2008 to date on:**

*(a) Reports of sales of children (disaggregated by purpose of sale, including for sexual exploitation, transfer of organs for profit or forced labour), child prostitution, child pornography and child sex tourism, and measures taken in response;*

*(b) The number of children offered, delivered, accepted and procured by whatever means for the purpose of prostitution (including the delivery of children to temples or religious leaders for the purpose of providing sexual services or sexual exploitation of child domestic workers), engagement in forced labour, illegal adoptions, organ transfer or pornography, as well as information on the action taken in response, in particular cases investigated and prosecuted, and convictions and penalties imposed;*

*(c) The number of children trafficked from or through India and children trafficked within India for the purpose of the offences defined in article 3 of the Optional Protocol; and*

*(d) The number of child victims of the offences under the Optional Protocol who have been given assistance for recovery and reintegration or have received compensation.*

5. Trafficking in women and children mainly takes place for commercial sexual exploitation and the methods include tempting offers of lucrative jobs, duping and tricking girls with false promises. It is difficult to estimate the exact number of children/women who

are trafficked and exploited for commercial sex owing to clandestine nature of the operations and nature of the crime.

6. The National Crime Records Bureau under its publication, Crime in India provides data on the offences covered under the Optional Protocol. The data from 2008 is given below:

| *S. No.* | *Crime head* | *2008* | *2009* | *2010* | *2011* | *2012* |
|---|---|---|---|---|---|---|
| 1. | Procuration of minor girls | 224 | 237 | 679 | 862 | 809 |
| 2. | Rape | 5,446 | 5,368 | 5,484 | 7,112 | 8,541 |
| 3. | Kidnapping and abduction | 7,650 | 8,945 | 10,670 | 15,284 | 18,266 |
| 4. | Exposure and abandonment | 864 | 857 | 725 | 700 | 821 |
| 5. | Importation of girls from foreign country | 67 | 45 | 36 | 80 | 59 |
| 6. | Buying of girls for prostitution | 49 | 57 | 130 | 113 | 108 |
| 7. | Immoral Trafficking(Prevention) Act, 1956 | 2659 | 2474 | 2499 | 3517 | 3554 |

*Source:* Crime in India, National Crime Records Bureau, Ministry of Home Affairs.

**3. Please provide information on the measures taken by the State party to harmonize all its legislation and bring it into full conformity with the Optional Protocol. Please indicate, in this regard, whether the State party intends to amend the Immoral Traffic (Prevention) Act, 1956, in line with the prohibition of trafficking under the new Criminal Law (Amendment) Act, 2013, and clarify whether all offences under the Optional Protocol, including the sale of children, are prohibited under the new Criminal Law of the State party. Please also indicate whether boys and intersex children are adequately protected against acts prohibited under article 3 of the Optional Protocol.**

7. The Immoral Traffic (Prevention) Act, 1956 is aimed at prevention of trafficking in women and children for commercial sexual exploitation and provides for establishment of protection homes for the persons who are in need of care and protection. On the other hand, trafficking under Criminal Law (Amendment) Act, 2013, covers trafficking for various purposes such as physical exploitation, slavery, servitude, forced removal of organs and also includes sexual exploitation. Thus the two laws address different aspects of trafficking.

8. Boys and intersex children are adequately protected under the recently enacted Protection of Children from Sexual Offences (POCSO) Act, 2012. The Act covers trafficking for sexual purposes under the provision of abetment. The POCSO Act is gender neutral and covers all children below the age of 18 years.

**4. With regard to policies and programmes, please provide updated information on:**

*(a) The practical steps taken to implement measures provided for in the National Plan of Action for Children 2005 related to the Optional Protocol, and on the outcome of the evaluation of the projects related to the Optional Protocol under the Plan;*

9. The steps taken to implement the measures provided in the National Plan of Action for Children 2005 include:

(a) Adoption of the Protection of Children from Sexual Offences Act, 2012, which provides protection to children from the offences of sexual assault, sexual harassment and child pornography

(b) Amendment in the Juvenile Justice (Care and Protection of Children) Amendment Act, in 2006 to address gaps in implementation and make the legislation more

child-friendly. In 2006, to make the Act more effective, time-lines were provided for setting up of Juvenile Justice Boards and Child Welfare Committees and for compulsory registration of Child Care Institutions etc. A provision was also made for Child Protection Units at State and District level to ensure the implementation of the Act. The scope of the Act was also widened to include working children, children living on the streets, those found begging, etc.

(c) Implementation of the Integrated Child Protection Scheme to address gaps in existing legislation and programmes on child protection. The Scheme covers children affected by the offences under the Protocol as children in need of care and protection. The details of the Scheme were provided in India: Third and Fourth Combined Periodic Report on CRC in paras 68-71, chapter 1: General Measures of Implementation. The current status of the Scheme is as follows:

- The Scheme is headed by a dedicated structure at the national level by Central Project Support Unit, placed in the Ministry of Women and Child Development. At the State level, there are State Child Protection Societies, functional in 34 out of 35 States and UTs, State Project Support Units, functional in 28 out of 35 States and UTs and State Adoption Resource Agencies, functional in 26 out of 35 States and UTs. At the District level there are District Child Protection Societies, which are functional in 589 out of 660 across 30 States/UTs. The statutory bodies in each district are the Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs), there are 619 CWCs in as many districts out of 660 districts in the country similarly there are 608 JJBs in as many districts. The various care, support and rehabilitation services under the Scheme include:
    - Emergency outreach service through a 24 hour dedicated phone helpline 1098, for children in crisis. Presently Childline services are operational in 280 locations through 552 partners.
    - Open Shelters, which are community-based safe spaces for children in need in urban and semi-urban areas. Presently, 193 Open Shelters are being run across the country.
- The various institutional services under the Scheme include: Various types of Homes are provided for children. Presently, 1,253 homes are supported under the Scheme. Specialized services are also available for children with special needs:
    - Family based Non - Institutional care services under the Scheme include: 244 Specialised Adoption Agencies, sponsorship for strengthening of families to encourage retention of children and foster care under which financial and hand holding support to relatives to take care of children without parental support. The Scheme also has aftercare programme to help sustain the children during the transition from institutional to independent life. The services under after care programme include housing facilities, vocational training, help to gain employment, counselling and stipend etc.
    - Other activities under the Scheme include training and capacity building activities, research and documentation, public education advocacy and communication and "Track Child" which is a web enabled MIS on child protection
    - The Scheme provides for monitoring to be carried out at District, State, and National levels. Monitoring at District level is carried out by the District Child Protection Committee and at the State level by the State Child Protection Committee (SCPC). At each level a standardized format and a minimum; set of input, output, and outcome indicators for evidence based

monitoring are being established through the structures as provided for by the scheme.

10. The Government has not yet conducted an evaluation of the Scheme.

11. Setting up of State Commissions for Protection of Child Rights in all States of the country. These Commissions have also been set up in three of seven UT Administrations.

*(b) The status of adoption and implementation of the Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women;*

12. Several new developments have taken place since the formation of the Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women. These include: inclusion of trafficking in the Criminal Law Amendment Act, 2013, order of the Supreme Court (135 of 2010, Budhadev Karmaskar vs. State of West Bengal) for making suitable suggestions on Prevention of trafficking and rehabilitation of sex workers including their children, advisories to State Governments to improve enforcement mechanisms to combat trafficking of women and children, setting up of 225 Anti Human Trafficking Units (AHTUs) in as many districts across the country to combat trafficking, training of more than 10,000 police personnel, who handle the AHTUs and implementation of Ujjawala, which is comprehensive scheme to combat trafficking of women and children for commercial sexual exploitation.

13. In wake of these developments, the Government is currently updating the Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women.

*(c) The new National Policy for Children 2013, and how it will deal with the sale of children, child prostitution and child pornography; and*

14. The new National Policy for Children, 2013 covers the offences under the Optional Protocol under the priority area of protection. The Policy states that a safe, secure and protective environment is a precondition for the realisation of all other rights of children. Through the Policy, the Government commits to creating a caring and protective environment to reduce vulnerability of children; protecting them from all forms of abuse and exploitation; providing family and community-based care arrangements for children deprived of parental care including sponsorship, kinship, foster care and adoption; and taking special protection measures for children in need of special protection, including their need for rehabilitation and reintegration, and establishing child friendly jurisprudence.

15. The Policy is to guide and inform all laws, policies, plans and programmes affecting children. All sectors and initiatives of the national, state and local government in all sectors must respect and uphold the principles and provisions of the Policy. Some of the key existing and proposed provisions that uphold the principles of the new Policy with regard to safeguarding children from sale, prostitution and pornography include:

(a) The Protection of Children from Sexual Offences Act, 2012 is a special law enacted by the Government to address offences of sexual assault, sexual harassment and use of children for pornography. Trafficking for sexual purposes is also covered by the law under abetment. The Act provides for stringent punishments, which have been graded as per the gravity of the offence. The punishments range from simple to rigorous imprisonment of varying periods. The Act provides for the establishment of Special Courts for trial of offences under the Act, keeping the best interest of the child as of paramount importance at every stage of the judicial process. The Act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences.

(b) The Juvenile Justice (Care and Protection of Children) Act, 2000 also covers children who are affected by offences under the Optional Protocol under the category of children in need of care and protection and provides for various restoration, rehabilitation and reintegration services.

(c) Section 370 of Indian Penal Code has been substituted by Sections 370 and 370 A in The Criminal Law (Amendment) Act, 2013 wherein Human Trafficking has been defined and stringent punishment to the traffickers have been prescribed. The Criminal Law Amendment Act, 2013 also covers trafficking for various purposes including physical and sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.

(d) The Government is implementing the Integrated Child Protection Scheme (ICPS) since 2009 with the objectives to contribute to the improvement of in the wellbeing of children in difficult circumstances, as well to the reduction of vulnerabilities to situation and actions that lead to abuse, neglect, exploitation, abandonment and separation of children from parents. ICPS provides preventive, statutory care and rehabilitation services to such children.

(e) Childline is a 24-hour toll free emergency outreach telephone service (1098) for children in distress including children affected by the offences under the Optional Protocol. At present, Child line is functioning in 280 cities/districts. The basic objectives of Childline are to:

- Respond to the emergency needs of the children in difficulty and refer him/her to such services as he/she is in need of.
- Provide a forum for networking among Government agencies and non-Government agencies dedicated to the network of services in child care and protection.
- Sensitize hospitals, medical personnel, police municipal corporations etc. towards needs of children.
- Ensure protection of rights of the child.
- Provide an opportunity to communities to respond to the needs of children in difficult circumstances.

(f) As poverty is a major cause of vulnerability of families and especially children, Government has taken several initiatives to address it. Significant among these are the enactment of the Food Security Act, 2013, with effect from 5th July, 2013 to ensure access to adequate quantity of quality food at affordable prices to people to live life with dignity, thereby reducing their vulnerabilities. The National Rural Employment Guarantee Act, 2005 through the Mahatma Gandhi National Rural Employment Guarantee Scheme in 644 Districts across the Country is another significant initiative that provides for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work.

*(d) The overall strategy and approach to implement the Optional Protocol, the monitoring of its implementation and progress made.*

16. The overall strategy and approach to implement the Optional Protocol was described in India's Report on the Optional Protocol in 2011 (CRC/C/OPSC/IND/1). The issues under the Optional Protocol have also been defined in the newly adopted National Policy for Children, 2013. Through the Policy, the Government commits to creating a caring and protective environment to reduce vulnerability of children; protecting them from all forms

of abuse and exploitation and taking special protection measures for children in difficult circumstances, including their need for rehabilitation and reintegration, and establishing child friendly jurisprudence.

17. The Policy provides for a National Plan of Action to be prepared to give effect to the Policy objectives. It also provides for a National Coordination and Action Group (NCAG) to be set up to monitor the progress of implementation. The National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights are to ensure that the principles of the Policy are respected in all sectors at all levels.

**5. Please provide information on whether the National Commission for Protection of Child Rights and the State Commissions for Protection of Child Rights are mandated to receive complaints from or on behalf of children regarding violations of all rights covered under the Optional Protocol. If so, please provide information on the number of such complaints received and their outcome.**

18. The National Commission for Protection of Child Rights (NCPCR) and State Commissions ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with the child rights perspective and as enshrined in the Constitution of India. State Commissions have been set up in all States and three out of seven UTs. Under Section 13(j) of the Commissions for Protection of Child Rights Act, 2005, the Commission (both National as well as State Commissions) is mandated to enquire into the complaints and to take suo-motu notice of matters pertaining to deprivation and violation of child rights, including sale of children, child prostitution and child pornography and also to take up the issues with appropriate authorities.

19. NCPCR has received 9454 cases since its inception in 2007, which relate to various issues including issues under the Optional Protocol. The Commission has taken suo motu action in 630 cases. Out of 9454 cases received by the Commission, 3,879 cases have been disposed off by the Commission after receiving satisfactory action taken reports from the concerned authorities.

**6. Please provide detailed information on the budgetary resources allocated for and spent on combating the sale of children, child prostitution and child pornography for 2008–2012 and on the steps taken to increase budgetary allocations in view of the prevalence of these activities in the country.**

20. The budgetary resources allocated for combating offences under the Protocol are not separately maintained by the Government. The budgetary resources are separately available under different schemes of the Government.

21. A review of this Budget Statement reveals that between 2007-08 and 2010-11, the budget allocation for children has been an average of 3.9 per cent of the Union Budget. The share of children in the total Union Budget has been increasing since then, from 4.1percent in 2010-11, 4.5% in 2011-12 and 4.7% in 2012-13. The table below gives the budget allocation for children since 2008-09:

| *Year* | *Budget Allocation for Children (Rs in million)* | *Allocation for Children as Percentage of the Union Budget* |
|---|---|---|
| 2008-09 | 334338.2 | 3.3% |
| 2009-10 | 396471.8 | 4.4% |
| 2010-11 | 449614.1 | 4.1% |
| 2011-12 | 567486.0 | 4.5% |
| 2012-13 | 710281.1 | 4.7% |

| Year | Budget Allocation for Children (Rs in million) | Allocation for Children as Percentage of the Union Budget |
|---|---|---|
| 2013-14 | 772359.5 | 4.6% |

Source: Statement 22 of the Union Budget, Government of India for the year 2008, 2009, 2010, 2011, 2012, 2013.

7. **Please provide further information on the impact and effectiveness of the reported social and other measures, including campaigns, aimed at preventing children from being trafficked, and describe the methods used to identify children who are especially vulnerable to these offences. Please indicate whether boys and intersex children are beneficiaries of each of these programmes. Please also indicate which programmes are aimed at preventing the illegal transfer of organs of children for profit as well as the engagement of children in forced labour, child prostitution or child pornography. Please indicate the measures the State party has taken to address culturally sanctioned practices, such as devadasi or the purchase of brides.**

22. With a view to tackle trafficking, the Government is implementing a comprehensive scheme "Strengthening law enforcement response in India against Trafficking in Persons" through Training and Capacity Building, is being implemented which provides for establishment of Anti Human Trafficking Units (AHTUs) throughout the country. AHTUs are integrated task force to prevent and combat trafficking in persons and consist of a group of trained sensitive officials of the Police, and the Women and Child Welfare Department of the State, and also reputed local NGOs. As on date, 225 AHTUs have been established and more than 10,000 police personnel have been trained.

23. The first step towards eradicating the practise of Devadasi has been in existence for generations in educating the society against the evil. Awareness was therefore provided through campaigns, street plays, songs, distribution of pamphlets, etc. Awareness programmes were also organised in front of temples (during fairs), which once homed many of the practices associated with the Devadasi system. The Government of Karnataka is implementing the Devadasi Rehabilitation Programme, which among other things, provides bank loans for income generation activities.

24. One of causes of the practice of purchase of brides is related to sex selective abortions leading to low sex ratio. In order to address this, the Government is implementing the Pre-Conception, Pre-Natal Diagnostic Technique Act, 1994. The Government has also developed a Draft National Plan of Action for improving child sex ratio. The Plan is envisaged for focused interventions to improve the child sex ratio, within an overall National Strategy for Care & Protection of the Girl Child and longer term interventions for gender equality. The Plan aims at addressing the issue of child sex ratio with special focus on 100 Gender Critical Districts.

8. **Please indicate the legal and other measures taken to prevent illegal adoptions, such as those that occurred in the Lambada community, in Karnataka. Please also indicate the measures taken to prevent the stealing of babies from hospitals and the efforts made to prevent fraudulent birth registration, as well as any applicable sanctions for such violations.**

25. The Juvenile Justice (Care and Protection of Children) Act, 2000 under Section 41(4) and 41(5), makes it mandatory that the orphan, abandoned and surrendered children are eligible for adoption only when such children are declared legally free for adoption by the concerned Child Welfare Committees (CWCs), which are statutory bodies constituted by the respective State Governments under Section 29 of the said legislation. Stricter definition has been introduced under Rule 2 (q) and elaborate procedures have been

prescribed under Rule 33(4) of the Juvenile Justice (Care & Protection of Children) Rules-2007 as well as under para 10 to 16 of the Guidelines Governing the Adoption of Children (2011) for preventing any illegal sourcing of children for adoption. Other measures taken for preventing illegal adoption include:

(i) Identifying families at risk and children in need of care and protection and insulating such families/children from abandonment with the intervention of family preservation programmes such as sponsorship and foster care, executed through the State Child Protection Societies (SCPS) and District Child Protection Units (DCPUs)

(ii) Mandatory reporting of all children by the Child Care Institutions (CCIs) and the adoption agencies and monitoring of the same through the Track Child System and the Child Adoption Resource Information & Guidance System (CARINGS)

(iii) Periodic inspections and monitoring of the Child Care Institutions and adoption agencies by the respective State Governments/UT Administrations through SCPS or Adoption Resource Agency (SARA) to ensure that children are not sourced through any illegal means and all adoptions are done in accordance with the laws and guidelines issued in this regard from time to time

(iv) Checks introduced in the adoption system at various levels, such as at the level of: CWCs, DCPUs, SARAs, CARA, concerned courts, birth registration authority, passport authority and visa issuing authority

(v) Sensitizing major stakeholders in the adoption related laws, rules, regulations and guidelines through training/ consultations, orientation programmes, annual meet, inspections and State visits conducted by CARA from time to time.

26. The Supreme Court of India vide its Judgement dated 3.12.1986 in the matter of Laxmi Kant Pandey Vs Union of India (Criminal Miscellaneous Petition No. 3142 of 1986) has directed that "all nursing homes and hospitals which come across abandoned or destitute children or find such children abandoned in their precincts or otherwise shall immediately give information in regard to the discovery or find of such children to the Social Welfare Department of the concerned Government where such nursing homes or hospitals are situated in the capital of the State and in other cases to the Collector of the District and copies of such intimation will also be sent to the Foster Care Home where there is such a home run by the Government as also to the recognised placement agencies functioning in the city or town where such nursing homes or hospitals are situated." Pursuance to such directions, circulars have been issued from time to time to the State Governments/UT Administrations for taking necessary measures to arrest any illegal adoption from nursing homes, hospitals, etc.

27. Key features of Adoption Guidelines adopted in 2011are given below.

- *Priority to domestic adoption:* Ratio of 80:20 (in place of the previous 50:50) for in-country vis-à-vis inter-country adoption excluding children with special needs
- *Expeditious adoption process:* Centralized dossier system for inter-country adoption - all dossiers for inter-country adoption are received at CARA and then forwarded to an agency where children are available for adoption. Special norms have been made for adoption of children with special needs for their expeditious placement
- Permanent recognition for Recognised Indian Placement Agency (RIPA) and Authorised Foreign Adoption Agency (AFFA) unless revoked by CARA and recognition for five years for Specialised Adoption Agency (SAA). This would reduce undue delays and ensure expeditious and smooth functioning of the adoption process

- *Administrative Provisions:* Stringent stipulations for functioning of adoption agencies including inspections and conditions for de-recognition. All adoption agencies to register on Central Adoption Resource Information and Guidance System(CARINGS)
- *Source of Child:* Mandatory declaration by CWC before adoption placement so that the source of each child is verified
- *Safeguards and stringent post-adoption follow-up stipulations:* The guidelines govern adoption procedure only for orphan, abandoned and surrendered children as defined under the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act). In-country adoption follow-up for a period of two years by SAAs with reporting to SARA. Inter-country adoptions only to countries which are signatories to the Hague Convention - exception for Indian nationals in non-Hague ratified countries. All inter-country adoptions to proceed only after final decree under JJ Act - this would ensure citizenship of the adopted child. To facilitate early citizenship for the adopted child, conformity certificate to be issued by CARA in each case. Special provisions to facilitate post-adoption follow-up. Specific and stringent guidelines for disruption and repatriation cases including provision of a Fixed Deposit of US $ 5000 in the name of the repatriated child. Recommendation certificate by State Committee to ensure active involvement of State Govt in inter-country adoption (in accordance with directions of Hon'ble Supreme Court and as per provisions of ICPS)
- *Ethical and best practices:* The various ethical and best practices include:
  - No requirement for three rejection letters by Prospective Adoptive Parents (PAPs) for inter-country adoption.
  - Provision of pre-adoption foster care for inter-country adoption to provide early deinstitutionalization of the child
  - Provision for root search of the adopted child to satisfy his/her psychological needs
  - No donations allowed from PAPs, adoptive parents or CARA enlisted foreign adoption agencies

**9. Please indicate:**

*(a) The statute of limitations for each of the offences related to the sale of children, child prostitution and child pornography contained in the various national laws reported;*

28. Under the Indian Code of Criminal Procedure, 1973, there is no period of limitation for taking cognizance of offences which are punishable with imprisonment for a period of more than three years. The offences listed under the Protocol entail punishment of more than three years, therefore there is no period of limitation for taking cognizance of these offences.

*(b) Whether legal persons, including corporations, are criminally liable for acts or omissions related to the sale of children, child prostitution and child pornography under each of those laws;*

29. Legal or juridical persons are liable if they are involved in commission of offences under all the Indian Penal Code and the recently enacted Protection of Children from Sexual Offences Act, 2012.

*(c) Whether the attempt to commit, and complicity or participation in, these offences are criminalized under all the reported laws; and*

30. Attempt to commit and complicity or participation in the offences under the Optional Protocol is covered under all the major laws of the country including the Indian Penal Code. The recently enacted Protection of Children from Sexual Offences Act, 2012 has also made attempt to commit an offence punishable with a punishment of one-half of the punishment prescribed for that offence. Abetment, which includes participation and complicity, is made punishable with punishment prescribed for that offence.

*(d) Which conditions (such as reciprocity) apply in considering requests for extradition of persons accused of having committed one or more of the offences referred to in article 3 of the Optional Protocol.*

31. The information to the above has already been provided under paras 100–104 in chapter on "Prohibition and Related Matters" of the Optional Protocol report on the sale of children, child prostitution and child pornography, 2011 (CRC/C/OPSC/IND/1).

**10. Please indicate whether the bilateral treaties on mutual legal assistance in criminal matters listed by the State party, and any other extradition treaty entered into since the State became a party to the Optional Protocol, recognize the offences referred to in article 3 of the Optional Protocol as extraditable offences. Please also provide information on the number of requests for extradition for any of the offences referred to in the Optional Protocol that have been granted since the entry into force of the Optional Protocol in the State party, disaggregated by the nature of the offences. Please also indicate whether the State party has requested the extradition of any person accused of any of the offences referred to in the Optional Protocol.**

32. The information to the number of requests for extradition for any of the offences referred to in the Optional Protocol that have been granted since the entry into force of the Optional Protocol in the State party, disaggregated by the nature of the offences is not maintained by the Government.

**11. Please provide information on the measures taken by the State party to overcome the difficulties identified with regard to the provision of care, shelter and reintegration assistance to victims of offences under the Optional Protocol, in accordance with article 9, paragraph 3. In this regard, please provide details about:**

*(a) The organizations, public or private, which provide care, shelter and psychosocial services to victims of the offences under the Optional Protocol, the nature of support services provided, their occupancy rate, and any applicable regulations concerning the registration and functioning of these organizations;*

*(b) The mechanism for monitoring these institutions and how the State party ensures the implementation of minimum standards in all of them.*

33. The Integrated Child Protection Scheme provides care, shelter and psychosocial services to children in need of care and protection including children who are affected by the offences under the Optional Protocol. Under ICPS, 1,253 kinds of Homes provide such services to children.

34. A large number of children in need of care and protection who enter the juvenile justice system through the Child Welfare Committees (CWCs) are in need of residential care and protection during the pendency of any inquiry and subsequently for their long-term care, treatment, education, training, development and rehabilitation. ICPS supports establishment of such Children's Homes to provide services for the reception and

residential care of such children, serve as a home away from home and provide comprehensive [illegible] care facilities to ensure their all-round development. They also work towards enhanc[illegible]g capabilities and skills of children and work with their families with the view of facilitating reintegration and rehabilitation into mainstream society.

35. While a large number of urban marginalized children are in need of day care services, there are many others who require residential care for a temporary period, stretching from four months to one year, for one or more reasons. The Juvenile Justice (Care and Protection of Children) Act 2000 empowers State Governments to recognize reputed and competent voluntary organizations, for establishment and administration of Shelter Homes which cater to the needs of such children. These Shelter Homes offer day and night shelter facilities to the children in need of support services for a temporary period, while efforts are made to rehabilitate them. In order to facilitate and expedite the setting up of Shelter Homes in every district or group of districts, the scheme shall provide financial support to the State Governments and Union Territories.

36. The minimum standards of care provided for under the Scheme, include standards of infrastructure, diet scale, medical facilities, clothing for children, bedding for children, rehabilitation and reintegration programmes for children.

**12. Please provide information on the measures taken by the State party to provide remedies (including compensation) and also to overcome the difficulties identified with regard to the repatriation and reintegration of child victims of trafficking, in particular those from Bangladesh and Nepal.**

37. Children trafficked for sexual purposes are covered under the Protection of Children from Sexual Offences Act, 2012. The Act provides compensation to be provided for any physical or mental trauma caused to the child or for immediate rehabilitation of such child. The amount of compensation is to be determined by the Special Court. With regard to the repatriation and reintegration of child victims of trafficking, in particular those from Bangladesh and Nepal, Standard Operating Procedures (SOPs) have been developed under the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution.